IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18469 of 2004

Between:

1 Smt.K.Sreedevamma, W/o Subba Rami Reddy,
aged 48 years, Bus owner,

R/o Venkannapalem Village, Manubolu Mandal, Nellore District
2 Vidavaluru Gopi, S/o Hanumayya,aged 52 years, Bus owner,
Aruru Village, Chittamuru Mandal, Nellore District

..... PETITIONERS

AND

Deputy Transport Commissioner & Secretary, Regional Transport Authority,
Nellore, Nellore District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, directing the respondent herein to permit the petitioners to operate their stage carriage buses bearing registration Nos.TN.32 N.0365 and AP.26 T.4249 respectively on the deviated route Gudur Bus Stand to Ayyavaripalem (via) Theepanur Cross, Meganur Cross road forthwith till Odur Railway Gate (L.C.No.93) is opened, by declaring the action of the respondent in not permitting the vehicles of the petitioners to operate on the deviated route by issuing temporary permits, as illegal, arbitrary and opposed to public interest; and pass such other or further orders as are necessary.

Counsel for the Petitioners: MR.V.NARASIMHA REDDY

Counsel for the Respondent: GP FOR TRANSPORT

The Court made the following:

ORDER:

The petitioners are the operators of a route from Gudur to Ayyavaripalem. They applied for temporary permit to the respondent for a deviated route to a distance of 1.2 K.Ms on the ground that the railway gate, through which, the bus usually passes, has been closed by the railway authorities. The respondent granted temporary permit and it was being extended for every four months. The temporary permit, previously granted, expired on 29.09.2004.

2. The petitioners contend that they made applications to the respondent for grant of temporary permit, but no orders have been passed by the respondent till now. Therefore, the petitioners approached this Court, seeking a direction to the respondent for grant of temporary permit for further period of four months, or till the railway gate is opened, whichever is earlier.

3. In the light of the circumstances explained by the petitioner, the respondent is directed to issue temporary permits to the petitioners for a period of 4 (four) months and continue to extend it till the railway gate is opened. If the railway gate is closed permanently, the petitioners shall make applications to the respondent for grant of pucca permits for the entire route with the deviation.

4. The Writ Petition is, accordingly, disposed of. No order as to costs.

Note:

Issue CC in two days.

B/o.

Dsr

ASSISTANT REGISTRAR

To:

1. The Deputy Transport Commissioner &

Secretary, Regional Transport Authority,

Nellore, Nellore District

2. Two CCs to the Government Pleader for Transport,

High Court Buildings, Hyderabad (OUT)

3. Two CD copies.